

# **EXHIBIT A**

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PIERCE COUNTY, WASHINGTON

March 08 2018 11:28 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 18-2-06177-1

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SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

ROBERT H. LUKE,

Plaintiff,

vs.

THE CITY OF TACOMA, a municipal  
corporation and the TACOMA POLICE  
DEPARTMENT, a municipal subdivision of  
the City of Tacoma, SEAN GUSTAFSON,  
FRANK KRAUSE, MIKE AKE and  
DONALD RAMSDELL,

Defendants.

NO.

COMPLAINT FOR DAMAGES

COMES NOW the plaintiff, Robert H. Luke, by Daniel R. Kyler, of Rush, Hannula,  
Harkins & Kyler, LLP and Christopher R. McLeod of the Law Offices of Christopher R.  
McLeod and for cause of action against defendants, states and alleges as follows:

I.

PARTIES

1.1 Robert H. Luke is an unmarried adult man, resident of Pierce County,  
Washington and at all times relevant hereto, was a resident of Pierce County,

COMPLAINT FOR DAMAGES- 1

RUSH, HANNULA, HARKINS & KYLER, L.L.P.  
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1 Washington.

2 1.2 Defendant City of Tacoma and the Tacoma Police Department is a  
3 municipal corporation and a subdivision of a municipal corporation under the laws of the  
4 State of Washington and are located in Tacoma, Pierce County, Washington.

5 1.3 Individual defendants Gustafson, Krause, Ake and Ramsdell were at all  
6 times employed by the City of Tacoma, Tacoma Police Department as law enforcement  
7 officers, were primarily in the context of the litigation herein, administrators in the  
8 Tacoma Police Department and at all times acting in that capacity and under color of  
9 state law. Individual defendant Ramsdell is the Chief of Police for the City of Tacoma at  
10 all times relevant hereto.  
11

12 II.

13 JURISDICTION AND VENUE

14 2.1 All acts, conduct and omissions alleged herein occurred in Pierce County,  
15 Washington.

16 2.2 This Court has jurisdiction over the subject matter herein and the parties  
17 hereto pursuant to RCW 4.12.025.

18 2.3 Venue is appropriate in Pierce County pursuant to RCW 4.12.020.

19 III.

20 FACTUAL BACKGROUND

21 3.1 Plaintiff Robert H. Luke is a male, retired police officer, who was employed  
22 by the City of Tacoma Police Department (hereinafter TPD) between November 1995  
23 and October 2015, when he retired.  
24  
25

1           3.2     Plaintiff Luke worked as a patrolman throughout his time of employment  
2 with TPD. Between approximately 1999 and his retirement (except for a 1-year period)  
3 Robert Luke was designated as a Community Liaison Officer (hereinafter CLO) in  
4 Sector One, Three and Four of the City of Tacoma, which encompasses the region  
5 known as the Hilltop.

6           3.3     When Robert Luke was first assigned to work as a CLO, the Hilltop area in  
7 Tacoma had become a notoriously high crime area in which gang activity and gun  
8 violence as well as a burgeoning drug crisis, was generally recognized by the  
9 community and by law enforcement to have taken root.

10           3.4     Working with multiple police officers and other law enforcement personnel,  
11 most prominently his long-time partner Greg Hopkins, the community and other City,  
12 State and Federal agencies, Robert Luke was instrumental in reducing Hilltop crime and  
13 improving the quality of life for those in the Hilltop community. Robert Luke's efforts in  
14 this regard resulted in numerous awards and commendations for him and others  
15 associated with that work.

16           3.5     In approximately 2009, defendant Sean Gustafson approached plaintiff  
17 Robert Luke and Officer Greg Hopkins and told them that he had been tasked to "get rid  
18 of them" as CLOs. Robert Luke was then assigned to provide security to the Public  
19 Works yard clean-up/abatement crews.

20           3.6     Defendants Gustafson, Ake and Ramsdell served as police officers in the  
21 Special Investigations Division (hereinafter SID), the undercover drug enforcement unit  
22 of defendant TPD, prior to the tenure of plaintiff Robert Luke and Officer Greg Hopkins  
23 as CLOs. Lieutenant Gustafson continued to serve in the undercover drug unit of TPD  
24  
25

1 while plaintiff Luke, Greg Hopkins and others took over primary responsibility for  
2 providing police services in the Hilltop area of Tacoma.

3 3.7 During his tenure as a CLO on the Hilltop area of Tacoma, plaintiff Luke  
4 received no substantial disciplinary action from TPD.

5 3.8 During his tenure as CLO, and until the time of his retirement from TPD,  
6 plaintiff Robert Luke earned extra income by working off-duty jobs. Such off-duty work  
7 was a common practice of TPD officers and of many of those command rank as well.

8 3.9 There are two (2) recognized and approved ways for TPD police officers  
9 to obtain and accept off-duty work as police officers. Defendant Frank Krause, a  
10 Command Officer assigned by TPD, administered the public's requests for police  
11 officers for off-duty work. Members of the public could also make direct arrangements  
12 with particular officers for off-duty work. Occasionally, plaintiff Robert Luke accepted  
13 off-duty assignments coordinated through defendant Krause. Defendant Krause also  
14 assigned off-duty work to himself in his capacity as the Command Officer assigned by  
15 TPD to make off-duty work assignments in response to requests from the public or  
16 because of special events.

17 3.10 As a result of plaintiff Robert Luke's good relations with various business  
18 people and private citizens in the City of Tacoma, he was contacted directly by various  
19 members of the public to provide off-duty services.

20 3.11 In approximately 2012, several specific incidents involving off-duty police  
21 officer work involving plaintiff Robert Luke occurred. As a result of these specific  
22 incidents, defendant Frank Krause became angry with plaintiff Robert Luke and  
23 defendant Frank Krause threatened Robert Luke with a loss of referrals of off-duty work  
24  
25



1 through TPD. Defendant Frank Krause expressed to Robert Luke and others that he  
2 resented plaintiff Robert Luke's receiving direct requests from members of the public for  
3 off-duty work and not going through the TPD, and specifically defendant Frank Krause,  
4 for assignment of off-duty work. However, defendant Krause was unable to prevent the  
5 off-duty work that Robert Luke was receiving as it was not against any order or policy of  
6 defendant City of Tacoma or TPD.

7  
8 3.12 The off-duty work issue described herein was never subject to any formal  
9 complaint, discipline or counseling by defendant TPD to plaintiff Robert Luke.

10 3.13 In approximately 2010, plaintiff Robert Luke obtained a part-time relief  
11 security officer position with the Port of Tacoma. The position obtained by plaintiff  
12 Robert Luke with the Port of Tacoma, was not an "off-duty employment" in Robert  
13 Luke's capacity as a Tacoma Police Officer.

14 3.14 As part of his employment with TPD, plaintiff Robert Luke was issued his  
15 own police vehicle which he was permitted to use for off-duty TPD officer work received  
16 through the Department and which he was permitted to drive to his home and leave the  
17 vehicle overnight. Plaintiff Robert Luke was never told, advised or instructed that he  
18 could not use this police vehicle under any circumstances in which to transport himself  
19 to any other off-duty work that was not obtained through TPD where plaintiff Robert  
20 Luke was going to have to go directly from that employment to his employment at the  
21 City of Tacoma Police Department. Subsequent to the events described herein, plaintiff  
22 Robert Luke learned that defendant Gustafson did describe such a prohibition to one  
23 other TPD officer, but that information was never communicated orally or in writing or in  
24 any other fashion or by policy to plaintiff Robert Luke.  
25

1           3.15 In or about August 2013, plaintiff Robert Luke was employed as an off-  
2 duty TPD officer at a motel in the Tacoma, Pierce County area. The employment with  
3 the motel ended at approximately 2:00 a.m. Plaintiff Robert Luke had driven to the  
4 motel in an unmarked TPD patrol vehicle. After the motel off-duty job ended, plaintiff  
5 Robert Luke drove his unmarked TPD vehicle home. In the remaining early morning  
6 hours following the work for the motel, plaintiff Robert Luke received an urgent  
7 telephone call from the Port of Tacoma requesting immediate assistance because of a  
8 protest being staged in the Port of Tacoma. Both TPD officers and Port of Tacoma  
9 employees were responding to the protest event. At the time of this request, Robert  
10 Luke only had available to him his TPD unmarked vehicle. Robert Luke drove his TPD  
11 unmarked vehicle to the Port of Tacoma. After arriving, and setting up, Luke found that  
12 defendant Krause was at the Port of Tacoma to coordinate "special events" involving  
13 the protest. Defendant Krause observed plaintiff Robert Luke and inquired of Robert  
14 Luke if the vehicle that was there with Robert Luke was his assigned TPD unmarked  
15 vehicle. Plaintiff Robert Luke confirmed that it was. Defendant Krause asked Robert  
16 Luke to explain, why Robert Luke had his unmarked TPD vehicle at the Port. Plaintiff  
17 Robert Luke began to explain when defendant Krause abruptly stopped listening and  
18 exited the scene in a rapid manner, almost striking a moving car in the process.  
19 Defendant Krause then filed an Internal Affairs complaint against plaintiff Robert Luke  
20 arising out of this incident.  
21

22  
23           3.16 The Internal Affairs hearing on defendant Krause's complaint as described  
24 herein was heard within approximately eight (8) months. The list of charges against  
25 plaintiff Robert Luke arising from defendant Krause's complaint, included:

1 untruthfulness, insubordination, behavior unbecoming a Tacoma Police Officer, and  
2 improper use of a TPD vehicle. A violation finding was rendered in that hearing. The  
3 penalty was a loss for one (1) year of any off-duty work to be assigned by the  
4 Department, revocation of the assigned unmarked TPD vehicle and two (2) days off  
5 without pay. The hearing result was grieved. A hearing on that grievance is pending.

6 3.17 In March 2014, plaintiff Robert Luke's son received a traffic ticket in the  
7 City of Lakewood. City of Lakewood has a cooperation agreement with TPD so that if  
8 officers serving in the TPD may be assigned to the City of Lakewood.

9 3.18 Plaintiff Robert Luke wanted to make sure that his son had been  
10 respectful to the City of Lakewood officer that had issued the ticket, so he called the  
11 officer who had issued the citation, but got no call back. Plaintiff Robert Luke then  
12 called the issuing officer's supervisor who advised that he would check with the officer  
13 and call him back. Robert Luke received permission from his lieutenant to travel to the  
14 City of Lakewood Police Station while on shift to pay his son's ticket. A complaint was  
15 subsequently filed by a Lakewood lieutenant whom plaintiff Robert Luke had never  
16 spoken to. The complaining lieutenant claimed or asserted in the complaint that Robert  
17 Luke made statements when he was paying his son's ticket in the City of Lakewood that  
18 implied that he was going to retaliate against Lakewood police officers in his jurisdiction  
19 for the issuance of the ticket to his son. This complaint was completely false and  
20 without any factual basis whatsoever.

21 3.19 Despite Robert Luke having permission to go to the City of Lakewood,  
22 plaintiff Robert Luke received a second disciplinary citation initiated by the defendant  
23 Mike Ake for conduct unbecoming an officer and leaving his duty post. Contrary to this  
24  
25



1 disciplinary citation, Robert Luke's lieutenant verbally advised him that the complaint  
2 from the Lakewood lieutenant was without any substantive issues, based on Robert  
3 Luke's lieutenant's knowledge of what had occurred, but his direct supervisor was over-  
4 ruled by the defendant Ake and the matter was sent to Internal Affairs.

5       3.20 As a result of the multiple disciplinary actions set forth herein, Internal  
6 Affairs investigators at TPD allegedly conducted an inquiry into the circumstances  
7 underlying these respective events and charges. Each disciplinary inquiry resulted in a  
8 report, and each report contained inaccuracies and unsupported inferences unfavorable  
9 to plaintiff Robert Luke. When these inaccuracies and improper inferences were  
10 brought to the attention of the TPD, the TPD then sought to discipline plaintiff Robert  
11 Luke anyway. Grievance of this is pending a hearing.

12       3.21 In the fall of 2015, Robert Luke was hired for a full-time position in the  
13 security department at the Port of Tacoma. He discussed this possible position with his  
14 immediate supervisor and was told that he was free to work a second job so long as he  
15 did all of his work at the TPD. On September 1, 2015, plaintiff Robert Luke began to  
16 work a graveyard shift at the Port of Tacoma before going to his day shift at TPD. The  
17 Port shift ended at 6:53 a.m. and Robert Luke's TPD shift was scheduled to begin at  
18 7:00 a.m., subject to adjustment. The Port security office is located within the City of  
19 Tacoma.  
20

21       3.22 The direction and advice plaintiff Robert Luke got from his immediate  
22 supervisor at the time of accepting the Port of Tacoma employment, was in keeping with  
23 the advice he had received from several of his prior TPD supervisors, all of whom had  
24 advised Robert Luke that off-duty work was permissible so long as it did not interfere  
25

1 with Robert Luke's TPD work. All of Robert Luke's supervisors had also advised Robert  
2 Luke that as a CLO, his shift hours were flexible and so long as he could verify that he  
3 had worked the allotted number of hours required by TPD, he could adjust his shift to  
4 accommodate necessary deviations from any rigid schedule.

5       3.23 The freedom and ability as a CLO to deviate from a rigid schedule was in  
6 fact a requirement of the duties of a CLO as posted in the TPD job announcements for  
7 that position both during plaintiff Robert Luke's tenure as a CLO, and thereafter.  
8 Deviation from a rigid preliminary schedule was the policy and the practice of CLOs in  
9 Sector 1 and sanctioned by the CLO supervisors during plaintiff Robert Luke's tenure  
10 with the TPD and the policy and practice used by many other officers in the course of  
11 their work at the TPD. Despite this policy and practice, plaintiff Robert Luke was singled  
12 out as described hereinafter for criminal charges, despite completely complying with the  
13 requirements of a CLO, acting in the same fashion and with the same adherence to  
14 policies and procedures that other TPD officers do, and were doing at the time in  
15 question, including some specific TPD officers who were proven to be actually violating  
16 the policies and procedures, committing "double dipping" and yet received no discipline  
17 or other adverse action.

18  
19       3.24 In the fall of 2015, plaintiff Robert Luke advised his direct supervisor that  
20 he was anticipating retiring. Robert Luke advised his direct supervisor that he wanted to  
21 work until November of 2015 in order to round out his full 32<sup>nd</sup> year of police work.  
22 Shortly after this timeframe, various command personnel let it be known with the TPD  
23 that they were unhappy with Robert Luke working double shifts on and off-duty for two  
24 months or so and as a consequence of these statements and remarks, he immediately  
25

1 gave his notice of retirement on October 1, 2015. Following his retirement from the  
2 TPD, Robert Luke continued his employment at the Port of Tacoma where he expected  
3 to continue to work until he retired at some future date.

4       3.25 Despite plaintiff Robert Luke's abrupt retirement because of the express  
5 dissatisfaction of command personnel regarding his off-duty employment, defendants  
6 Ake and Gustafson ordered an investigation into whether plaintiff Robert Luke had been  
7 stealing time from the TPD in order to work off-duty jobs.

8       3.26 TPD command personnel assigned Detective Sgt. Elizabeth  
9 Schieferdecker to investigate Robert Luke on the question of whether he was stealing  
10 time from TPD by claiming to have been at work at the TPD when he was in fact  
11 working "off duty", thereby "double dipping". The assignment of this particular  
12 investigating detective came despite the fact of the TPD command personnel being  
13 expressly aware that this detective had a professional history with plaintiff Robert Luke  
14 that made her judgment as to Robert Luke questionable and despite the fact that  
15 Detective Schieferdecker had made unfounded accusations against plaintiff Robert  
16 Luke for misconduct against her, which were investigated and found false, for which she  
17 received from the TPD a verbal warning for her conduct.

18  
19       3.27 Prior to Detective Schieferdecker's investigation, the Port of Tacoma  
20 supervisor of Robert Luke was personally visited by defendant Assistant Chief Michael  
21 Ake. Defendant Assistant Chief Ake told the Port of Tacoma security supervisors that  
22 there was a State regulation that prohibited Robert Luke from working the two jobs for  
23 the TPD and Port of Tacoma, that it was against TPD policy, confirmed that there was  
24 an investigation being undertaken regarding Robert Luke and his commission of a  
25

1 crime. Defendant Assistant Chief Michael Ake also told the Port of Tacoma that plaintiff  
2 Robert Luke had left the TPD in "bad standing", without the explanation detail on what  
3 would constitute bad standing in the context of the TPD nomenclature.

4 3.28 Defendant Assistant Chief Ake's statements about State regulations and  
5 TPD policy made to officials at the Port of Tacoma, were substantially inaccurate,  
6 untrue and made to put Robert Luke in a false light. Following these comments, and  
7 the filing of charges asserted by the TPD, Robert Luke lost his job at the Port of  
8 Tacoma.

9  
10 3.29 Detective Schieferdecker went to the Port of Tacoma in the course of her  
11 investigation where she obtained the Port of Tacoma's timecard records for plaintiff  
12 Robert Luke and where she told those who had just hired Robert Luke full time that she  
13 was investigating him criminally and that an indictment would be forthcoming on felony  
14 charges.

15 3.30 At no time during the investigation undertaken by Detective  
16 Schieferdecker did she or anyone else from the TPD interview, or attempt to interview,  
17 Robert Luke about what had occurred. At no time did Detective Schieferdecker  
18 interview, or attempt to interview, Robert Luke's past supervisors at the TPD about the  
19 relevant issues and/or about the eventual charges. At no time did Detective  
20 Schieferdeck interview, or attempt to interview any of plaintiff Robert Luke's patrol  
21 partners and/or CLOs. Detective Schieferdecker did interview several people plaintiff  
22 Robert Luke did not work with. The investigation did not receive information from or  
23 consult those who had actually worked with plaintiff Robert Luke about whether or when  
24 he claimed to have been at work at TPD, he actually was at work there for his full paid  
25



1 time.

2 3.31 Shift assignments at TPD at the time of the incidents and conduct  
3 described herein are recorded on a program called Telestaff which provides a  
4 framework for making certain that all sectors of the City of Tacoma are covered by  
5 officers at all times. The Telestaff staffing grid is a projection of future coverage and in  
6 practice, it results in numerous adjustments by numerous officers in every pay period.  
7 Telestaff is not an inflexible system and does not require command authority for any  
8 supervisor of any officer to deny a reasonable adjustment on a prior or post conduct  
9 basis. Telestaff is not the standard by which actual shifts of TPD officers are  
10 documented.  
11

12 3.32 Detective Schieferdecker, the investigator herein herself has adjusted her  
13 shifts many times from what was assigned to her prospectively on the Telestaff system.  
14 A complaint about this fact was in fact filed against Detective Schieferdecker with the  
15 TPD and the TPD did not investigate that complaint.

16 3.33 Each and every shift adjustment made by plaintiff Robert Luke during the  
17 period covered by Detective Schieferdecker's investigation was authorized by an  
18 immediate supervisor. This is established by the fact that TPD policy provides that it is  
19 the officer's timecard which is countersigned by the officer's supervisor after the officer  
20 has worked the officer's specific shift that is the basis for the issuance of the officer's  
21 pay. Plaintiff Robert Luke always had his timecards countersigned by his shift  
22 supervisors.  
23

24 3.34 Contrary to the City of Tacoma and the TPD, shift assignments at the Port  
25 of Tacoma are done on a grid system and the Port of Tacoma system assignments are



1 not easily changed. Employees are expected to punch a time clock in and out, and their  
2 pay hour is rounded up so that time worked is differentiated for pay purposes, not in  
3 minutes, but in quarter of an hour increments. The time clocks are at different locations  
4 in the Port of Tacoma and are not coordinated so as to all be synchronized to the  
5 minute.

6       3.35 On the basis of Detective Schieferdecker's investigative report, plaintiff  
7 Robert Luke was charged with theft in the second degree under RCW 9A.56.040. He  
8 surrendered himself for processing at the Pierce County Courthouse where he was  
9 fingerprinted, photographed and formally charged. He then had to appear for  
10 arraignment, and subsequently at numerous open court appearances. All of this  
11 resulted in a year-long public humiliation of a long-serving, dedicated law enforcement  
12 officer, in a setting chosen to present him in the worst possible light to his colleagues,  
13 the public he had served, and the courts. Due to court errors, warrants were issued for  
14 his arrest. He was given an alias and he was obliged to repeatedly appear for court  
15 appearances. During this time, an individual from the TPD contacted plaintiff Robert  
16 Luke's mortgage company to notify it of Robert Luke's circumstances and the charges  
17 filed against him in an effort to undo his favorable mortgage.

18  
19       3.36 Plaintiff Robert Luke was forced to incur the expense of hiring a criminal  
20 defense attorney. Robert Luke lost his job with the Port of Tacoma. Robert Luke was  
21 persona non grata with others for whom he had in the past performed off-duty work.  
22 Other TPD officers who had actually been followed by investigators and proven to have  
23 been falsely claiming to be at work for TPD while receiving duplicate pay from an off-  
24 duty employer were not treated in such a fashion, were not so humiliated, were not  
25

1 charged with a crime, and in one known case, an officer was actually promoted after  
2 documented theft of City time.

3       3.37 In order to meet his financial obligations to his children who were enrolled  
4 in college, plaintiff Robert Luke attempted to continue to work. Robert Luke obtained a  
5 job at the gun counter and sports shop at a Fred Meyer, but was fired because a  
6 background check following on his employment application showed he was facing a  
7 felony charge by the City of Tacoma. Thereafter, Robert Luke worked for a company  
8 that stripes highways and lays concrete as a day laborer, beginning that heavy, physical  
9 work at the age of 55 years.

10  
11       3.38 After approximately one year of preliminary case management, the  
12 criminal charges against plaintiff Robert Luke in Pierce County Superior Court were  
13 dismissed. The charging of Robert Luke with these felony criminal offenses had been  
14 reported and published in the local newspaper and Robert Luke's reputation had been  
15 irreparably damaged by the attention to these charges by the law enforcement  
16 community and the public. The dismissal of the felony criminal charges against him did  
17 not result in any further corrective, positive news coverage.

18       3.39 As a result of the emotional strain that plaintiff Robert Luke underwent,  
19 having been publicly branded as a criminal after his career of attempting to prevent that  
20 kind of behavior, plaintiff Robert Luke developed a full body psoriasis that caused  
21 cracking and bleeding of his skin and itching so powerful that he was tormented daily  
22 and frequently unable to sleep. The cracking of his skin made it extremely painful to  
23 even grasp a shovel which is something he had to do almost continuously in the only  
24 employment he could obtain.  
25

1  
2       3.40 Plaintiff Robert Luke's loss of his employment at the Port of Tacoma also  
3 meant that plaintiff Robert Luke lost his medical insurance so he had to endure the  
4 emotional and physical sequelae of what he had been put through by the defendants  
5 without the benefit of ready-access to medical care. Because of the loss of income, he  
6 was not able to both meet the financial needs of his children and the financial needs to  
7 care for his own medical circumstances. He opted to support his children, which  
8 prolonged and intensified his ailments.  
9

10       3.41 Plaintiff Robert Luke has been re-employed at the Port of Tacoma. He  
11 continues to work there at this time.

12       3.42 No defendant has taken any steps to restore the reputation of plaintiff  
13 Robert Luke as an honest policeman who retired without the stain of any crime being  
14 proven against him.

15       3.43 Plaintiff Robert Luke has filed a tort claim against the defendant City of  
16 Tacoma, the named defendants herein and the TPD. Attached hereto as **Exhibit A**,  
17 incorporated herein by reference as though fully set forth herein, is a true and correct  
18 copy of Robert Luke's Claim. More than 60 days have elapsed since the filing of this  
19 Claim with the City of Tacoma and the claim is now ripe for this lawsuit to be filed.  
20

21       3.44 Defendant Sean Gustafson personally engaged in tortious conduct  
22 towards Robert Luke in that he defamed Robert Luke, he conspired and/or participated  
23 in the decision to charge Robert Luke with a crime, all in a way that was inconsistent  
24 with the policies and procedures applied to other officers employed by TPD reflecting  
25 disparate treatment of plaintiff Robert Luke.

1  
2           3.45 Defendant Frank Krause personally engaged in tortious conduct toward  
3 Robert Luke in that he manufactured discipline against Robert Luke which was reckless  
4 and unwarranted, leading to a loss of stature and income.

5           3.46 Defendant Michael Ake personally engaged in tortious conduct toward  
6 Robert Luke in that he made false statements to others which would place Robert Luke  
7 in a false light and used his position of power and authority with the defendants TPD  
8 and City of Tacoma to violate plaintiff Robert Luke's constitutional rights and to engage  
9 in a personal vendetta.

10  
11           3.47 Under TPD Chief Donald Ramsdell, the TPD's use of disciplinary action  
12 against TPD officers has been selective, inconsistent and targeted against officers with  
13 whom certain command personnel have animus. Despite written policy to the contrary,  
14 defendant Chief Ramsdell has permitted a de facto policy of use of disciplinary  
15 procedure for punitive and political purposes, at times personal vendettas, against  
16 disfavored officers who have not exhibited sufficient subservience and loyalty to certain  
17 command personnel, including the named defendants herein. This de facto practice  
18 and policy disadvantages targeted officers on the basis race, medical condition, age, as  
19 well as personal animus for reasons having nothing to do with job performance, but  
20 having everything to do by certain officers' relationship with certain command  
21 personnel, specifically including the named defendants herein.

22  
23           3.48 All defendants have acted in a manner that was reckless in disregarding  
24 Robert Luke's constitutional rights, his right to be free from false light, public ridicule,  
25 defamation and a tortious interference with his economic relations.



**IV. CAUSES OF ACTION**

**FIRST CAUSE OF ACTION  
(Substantive and Procedural Due Process)**

4.1 The individual defendants herein, individually and collectively on behalf of the named defendant entities who employ them, acted recklessly and with wilful disregard, arbitrarily and capriciously of the constitutional protections of citizens, its employees including Robert Luke in the conduct herein described and acting under the color of State law deprived plaintiff Robert Luke of rights secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States. This conduct of the individual defendants herein constituted defacto policy and practice within the context of the Tacoma Police Department.

**SECOND CAUSE OF ACTION  
(False Light)**

4.2 Defendants individually and on behalf of defendant City of Tacoma and TPD had a duty to respect the reputation of Robert Luke and to not falsely, maliciously, recklessly and wilfully place Robert Luke in a false light before his community, his co-employees, his former law enforcement employees and his employer.

4.3 Defendant Michael Ake specifically, and the conduct of the defendants City of Tacoma and TPD based on the assent and direction of the other individually named defendants herein, undertook an investigation and sought to bring charges against Robert Luke which were false, unsupported by any record and placed him in a false light.

**THIRD CAUSE OF ACTION  
(Negligent Infliction of Emotional Distress)**

4.4 Defendants negligently and recklessly inflicted emotional distress on



1 Robert Luke through their individual and cumulative conduct in the events and  
2 circumstances as alleged herein.

3 **FOURTH CAUSE OF ACTION**  
4 **(Disparate Treatment)**

5 4.5 Defendants individually and collectively subjected plaintiff Robert Luke to  
6 disparate treatment during and after his employment with the TPD with the initiation of  
7 criminal charges including the conduct of the individual defendants in placing Robert  
8 Luke in a false light and in tortiously interfering with his economic relations.

9 **FIFTH CAUSE OF ACTION**  
10 **(Tortious Interference with Economic Relations by Defendants)**

11 4.6 The individual defendants, individually and collectively, tortiously  
12 interfered with Robert Luke's economic relations in conspiring and creating  
13 circumstances that would result in his termination of his employment with the Port of  
14 Tacoma and in other jobs which he was qualified because of his experience,  
15 background and training as a law enforcement officer.

16 **SIXTH CAUSE OF ACTION**  
17 **(42 USC §1983)**

18 4.7 Defendants individually and collectively violated Robert Luke's  
19 constitutional rights and subjected him to reckless, wilful and wanton conduct for which  
20 defendants individually and on behalf of the City of Tacoma and TPD collectively are  
21 liable for Robert Luke's special, general and punitive damages, all in an amount to be  
22 proven at the time of trial.

23 4.8 As a direct and proximate result of defendants' conduct as alleged herein,  
24 Robert Luke suffered injury and damage to his person, to his reputation, to his good  
25 name, his constitutional rights were damaged and infringed, he lost income, suffered

1 physical injury and damage, suffered disability, some of which damages may be long-  
2 lasting and permanent, all in an amount to be proven at the time of trial.

3 WHEREFORE, Robert Luke prays for damages for all special and general  
4 damages as alleged herein, for punitive damages against the individually-named  
5 defendants for their reckless, wilful and wanton conduct, for an award of reasonable  
6 attorney's fees by statute where permitted and for such other and further relief as the  
7 Court may find fair and just.

8 DATED this 6<sup>th</sup> day of March, 2018.

9  
10 RUSH, HANNULA, HARKINS & KYLER, LLP  
Attorneys for Plaintiff

11  
12 By:   
Daniel R. Kyler, WSBA #12905

13  
14 LAW OFFICE OF CHRISTOPHER R. McLEOD  
Attorneys for Plaintiff

15  
16 By:   
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